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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5 OF 2005

Motiram Jagannath Bhoir — Petitioner
versus
Balaram Pangu Bhopi — Respondent

Mr.P.N.Karlekar for petitioner.

Mr.D.M.Gondhali for respondent no.1.

Mr.Kumbhakoni, Associate Advocate General with Ms.Mhaispurkar - AGP for respondent.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard learned advocates for the parties. The prayer made by the petitioner in this petition is for staying the operation of the order passed by the Sub Divisional Officer and for directing the respondents to maintain status-quo. The grievance of the petitioner is that the prayer for stay made by the petitioner in a revision application is not being disposed of by the Additional Commissioner, Konkan Division. The revision application has been preferred under the provisions of the Bombay Tenancy and Agricultural

Lands Act, 1948.

2. The order dated 3rd January 2005 passed by this Court notes the grievance made by the petitioner. This Court has granted ad-interim order in terms of prayer clause (b).

3. In view of the order passed today in Writ Petition No.336 of 2006, it is apparent that now within a short time, the Maharashtra Revenue Tribunal will be reconstituted. After the Tribunal is reconstituted, the revision application made by the petitioner is bound to be heard and decided on merits. Therefore, no purpose will be served by keeping the petition pending in this Court. The petition can be disposed of by directing that the ad-interim order passed by this Court on 3rd January 2005 will continue to operate till the revision application is heard and decided. In case there is a delay in disposal of the revision application on account of delay in reconstitution of the Maharashtra Revenue Tribunal, the first respondent can always approach this Court by filing appropriate proceedings. Hence, I pass following order.

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4. ORDER :-

(a) Ad-interim order passed by this Court on 3rd May 2005 will continue to operate till final disposal of revision application preferred by the petitioner;

(b) Subject to what is observed earlier, the writ petition is disposed of in the above terms;

(c) Parties and all concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

(A.S.OKA, J.)